

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

James R. Thompson Center
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

Lincoln Land Training
130 West Mason Street, Room 104
Springfield, Illinois

Meeting of Panel A
October 21, 2009
9:00 a.m.

MINUTES

Present: Commissioners

Marti Baricevic (Panel Chair)
Robert S. Enriquez (via telephone)
Greg Simoncini

Staff

Harriet Parker
Donyelle L. Gray
Evelio Mora
Christine Welninski
Bricia Herrera
Brent Movitz, Coles Fellow

I. Call to Order.

A meeting of Human Rights Commission Panel A was called to order on October 21, 2009 at 9:05 a.m. by Panel Chair Baricevic.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

1) A quorum of the public body was present at the meeting without the physical presence of Commissioner Enriquez.

2) Prior to the meeting, Commissioner Enriquez gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that he would be unable to be physically present for the October 21, 2009 meeting. The Commission voted to allow Commissioner Enriquez to participate in the meeting via telephone. Motion made by Commissioner Simoncini, seconded by Commissioner Baricevic. Motion carried 2-0.

II. Consideration of Minutes.

The minutes of the meeting of September 16, 2009 were approved as submitted by staff. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

III. Contested Matter

Barbara J. Franz v. SBC Midwest Industry Markets
ALS No. 05-135 Charge No. 2003CA3218 EEOC No. 21BA32053

Pending before the Panel was the Complainant's exceptions to the ALJ's Recommended Order and Decision ("ROD"). The Panel voted to decline review of the ROD and voted to adopt the ROD as the final Order and Decision of the Commission. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

IV. Requests for Review

A. Nicole Esbar Swain v. University of Illinois Medical Center
ALS No. : 09-0305 Charge No.: 2008CF3160

The Panel vacated the dismissal of Count I of the charge, and remanded Count I of the charge to the Department of Human Rights for further investigation. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

The Panel sustained the dismissal of Counts A, E and G of the charge in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

V. Petition for Reconsideration of Commission Order

Rafael Herrera Lopez v. ALAMP Concrete Contractors, Inc.
ALS No. 09-0149 Charge No. 2008CF3597

The Panel voted to vacate the prior order of a two-member Commission Panel C. The two-member Panel C had heard and decided the Respondent's Request for Review, and had at that time decided to sustain the Department's Order of Default against the Respondent and set the matter for a hearing on damages. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

The Panel then considered the Respondent's Request for Review as it was originally submitted to the Commission, and thereafter voted to sustain the Order of Default, and set the matter for a hearing on damages. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

VI. Motions for Extension of Time

A. Annie Johnson v. Department of Human Services
ALS No. 9111R Charge No. 1995CF1530

The matter came before the Panel on the Respondent's motion for additional time to file a response to the Complainant's exceptions. The Panel voted to grant the motion. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

B. Pedro & Eriko Donaldson v. Peter Popovic, 5746 N. Sheridan, LLC, Human Rights Commission and Department of Human Rights
ALS No. 09-0233 Charge No. 2009CH1121

The matter came before the Panel on the Complainants' request for additional time to file a Reply brief in a Request for Review. The Panel voted to grant the motion. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

C. Loretta Barborek v. Illinois Department of Human Rights
ALS No. 09-0523 Charge No. 2009CH2531

The matter came before the Panel on the Complainant's request for additional time to file a Reply brief in a Request for Review. The Panel voted to grant the motion. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

VII. Petitions for Hearings to Determine Complainant's Damages

A. Connie Aud v. Farris Motel
ALS No. 09-0564 Charge No. 2009SF1089

B. Connie Aud v. Gordon Reach
ALS No. 09-0565 Charge No. 2009SN1090

C. Maria Correa v. Daniel's Little Shop of Horrors
ALS No. 09-0566 Charge No. 2009CF0789

D. Guadalupe Correa v. Daniel's Little Shop of Horrors
ALS No. 09-0567 Charge No. 2009CF0790

The panel voted to grant the above-referenced Petitions, A through D. Motion made by Commissioner Simoncini, seconded by Commissioner Enriquez. Motion carried 3-0.

VIII. Motion for Order to Close Case

Khalid H. Muhammad v. Professional Staffing Service
ALS No. 08-0346 Charge No. 2008CA0134

The panel voted to grant the motion. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

IX. Consideration of Settlements

DHR#	Complainant	Respondent
1. 2009CF2780	C. Sistrunk	Mercy Housing, Inc.
2. 2009CF2575	S. Washington	The Chicago Lighthouse
3. 2009CF4283	L. Rowry	Popeye's Chicken & Biscuits
4. 2008CN2951	A. DeShon	Mario Tricoci Hair Salon
5. 2010 CF0013	C. Stewart	Threesource, Inc.
6. 2009CF0480	C. Angamarca	Cermak Produce

The Panel approved the settlements in the above-referenced matters, 1-6. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

X. Adjournment.

The meeting was adjourned at 9:32 a.m. Motion made by Commissioner Enriquez, seconded by Commissioner Simoncini. Motion carried 3-0.

Respectfully submitted,

Harriet Parker
General Counsel